



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 8/17/2021

ORM Number: MVP-2021-01046-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Town of Scott County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.561936 Longitude -87.869236

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland Area 2 Wetland Area 4 Wetland Area 6 Wetland Area 7	0.24 0.10 0.17 0.09	acre(s)	(b)(1) Non-adjacent wetland.	<p>Based on a review of all available resources including the WWI, USGS Topo Maps, Web Soil Survey, Google Earth, Wisconsin Surface Water Data Viewer, etc., Wetland Areas 2, 4, 6, and 7 are (b)(1) Non-adjacent wetlands which do not maintain a downstream hydrologic connection to a traditional navigable water. These wetlands do not abut an (a)(1)-(a)(3) water, nor are they inundated from flooding by these types of waters in a typical year. Therefore, these are non-jurisdictional features which are not subject to Corps jurisdiction under Section 404 of the Clean Water Act. The justification/determination for each of these aquatic features is discussed below.</p> <p>Wetland Area 2 (0.24 acre) consists of an isolated wetland depression which is surrounded entirely by uplands in the middle of an agricultural field. The wetland delineation report which was completed for this site indicates that this feature does not maintain a hydrologic connection to the nearest delineated feature (Wetland 1 – assumed jurisdictional), which is located approximately 50 feet to the west with uplands in between. The USGS topo mapping shows very minor topographic relief between these features (1 foot), however a review of historic aerial imagery indicates that the wetland signatures associated with this wetland do not extend outside its delineated boundaries. Wetland Area 2 is located approximately 350 feet to the east of the nearest tributary (unnamed), however there is no hydrologic connection between these features.</p> <p>Wetland Area 4 (0.10 acre) consists of a small isolated wetland depression in the middle of an agricultural field. The wetland delineation report which was completed for this site indicates that this feature is located approximately 200 feet west of Wetland Area 3 (not assessed in this</p>

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>AJD review) which is assumed to be a jurisdictional feature. The USGS topo mapping shows very minor topographic relief throughout the site (approximately 1 foot). However, a review of historic aerial imagery indicates that this feature does not extend outside of its delineated limits. Wetland Area 4 is located approximately 600 feet to the west of the nearest tributary (unnamed) and there is no hydrologic connection between these two features.</p> <p>Wetland Area 6 (0.17 acre) consists of a small isolated wetland depression in the middle of an agricultural field. The wetland delineation report indicates this feature is located approximately 500 feet to the west of the nearest assumed jurisdictional resource (Wetland Area 3 – not assessed in this AJD review), with uplands between these two aquatic resources. The USGS topo mapping shows little to no topographic relief throughout the site (approximately 1 foot). However, historic aerial imagery indicates that the wetland signature within this feature does not extend outside of its delineated limits. Wetland Area 6 is located approximately 1000 feet to the west of the nearest tributary (unnamed) and there is no hydrologic connection between these two features.</p> <p>Wetland Area 7 (0.09 acre) consists of a small isolated wetland depression located on the western edge of the review area in an agricultural field. The wetland delineation report indicates this feature is located approximately 1000 feet to the west of the nearest wetland feature which is assumed to be jurisdictional (Wetland Area 3 – not assessed in this AJD review) with uplands between these two aquatic features. USGS topo mapping show very little topographic relief throughout the site, suggesting that the entire review area is relatively flat. Historic aerial imagery indicates that the wetland signature within this feature does not extend outside of its delineated limits, and this feature is surrounded entirely by uplands. Wetland Area 7 is located approximately 1200 feet to the west of the nearest tributary (unnamed) and there is no</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>hydrologic connection between these features.</p> <p>Conclusion: Based on this information, the delineated wetland features identified as Wetland Areas 2,4,6, and 7 are (b)(1) non-adjacent wetlands which are not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p>

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation report completed by Cedar Corporation, dated August 21, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial: Google Aerial Imagery](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Web Soil Survey](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

☒ USGS topographic maps: [USGS Topo Maps](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Wisconsin Wetland Inventory, WDNR Surface Water Data Viewer

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)